

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
June 18, 2007**

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 a.m., June 18, 2007 in the Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1 (entered late); Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2; Max W. Wilson, District 4; and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

PUBLIC HEARING – TRUTH-IN-TAXATION

Vice Chairman Kunasek, in accordance with A.R.S. §42-17107, convened the Truth-in-Taxation Hearing in conjunction with the FY 2007-2008 final budget hearing set per A.R.S. §42-17104, to hear taxpayers in favor of or against the proposed tax levy. (C4907051800) (ADM1807-001)

Vice Chairman Kunasek asked the Clerk if any speaker's request forms had been submitted for this hearing. Ms. McCarroll responded that no requests had been submitted. Vice Chairman Kunasek asked if any members of the audience wished to address the Board on this issue. No protests having been received and no speakers coming forth at the Vice Chairman's call, motion was made by Supervisor Stapley, and seconded by Supervisor Wilcox to approve the proposed primary tax levy increase of \$8,408,937, and direct the Clerk of the Board to mail a copy of the Truth-in-Taxation Notice, a statement of its publication, and the result of the governing body's vote to the Property Tax Oversight Commission within three days of this hearing pursuant to A.R.S. §42-17107(A)(5). Motion carried by a unanimous roll call vote (4-0-1), with Supervisors Kunasek, Stapley, Wilson and Wilcox voting "aye". Chairman Brock was absent.

Supervisor Stapley commented how proud he was that the County was able to significantly reduce the tax rate. He said that the increase in valuation allowed the decrease in taxes, which is a fiscally responsible move.

FY 2007-08 MARICOPA COUNTY BUDGET

Item: Vice Chairman Kunasek, in accordance with A.R.S. §42-17104, convened a public hearing to consider and adopt, pursuant to A.R.S. §42-17105, the following:

- The FY 2007-08 Budget in the amount of \$2,214,275,629 (Expenditures totaling \$1,780,932,646 and Appropriated Beginning Fund Balance of \$433,342,983), by total appropriation for each department and fund, and by project for the Capital Improvement Program, Transportation Improvement Program and Major Maintenance Program.
- The FY 2007-08 Budget Executive Summary.

Vice Chairman Kunasek asked the Clerk if any speaker's request forms had been submitted for this hearing. Ms. McCarroll responded that no requests had been submitted. Vice Chairman Kunasek asked if any members of the audience wished to address the Board on this issue. No protests having been received and no speakers coming forth at the Vice Chairman's call, motion was made by Supervisor Stapley and seconded by Supervisor Wilson to adopt the FY 2007-08 Budget in the amount of \$2,214,275,629 (Expenditures totaling \$1,780,932,646 and Appropriated Beginning Fund Balance of \$433,342,983), by total appropriation for each department and fund, and by project for the Capital Improvement Program, Transportation Improvement Program and Major Maintenance Program. And, the FY 2007-08 Budget Executive Summary.

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This represents a \$22,710,874 increase from the tentatively adopted budget of \$2,191,564,755. The net increase of \$22,710,874 represents a decrease of \$2.7 million in the operating budget and a \$25.4 million increase to the capital budget which is funded from borrowing that is not subject to the expenditure limitation., and therefore does not effect the overall amount of the budget as set forth in the published estimates, pursuant to A.R.S. §42-17105(C).

Supervisor Wilcox presented an amendment to this item. She explained that this amendment would simply roll over unused funds from the FY 2006-07 budget to the FY 2007-08 budget, without increasing the amount, to continue addressing the pest problem in the Laveen area. Supervisor Stapley commented that once these funds are expended, an alternative method for funding this area needs to be considered, such as the possible formation of a pest abatement district.

Amendment #1: Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (4-0-1) to amend the original motion to include the transfer and expenditure of \$109,788 from FY 2007-08 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) in the existing "Pest Abatement" line item. This is carry forward of funds not expended in FY 2006-07 to be used for continued research of a pest concern in the Laveen area. (C4907052800) (ADM1801)

~ Chairman Brock entered the meeting ~

Supervisor Stapley proffered an amendment to the amended motion. He explained that a new five-year funding agreement is in the process of being negotiated for the International Genomics Consortium (IGC). This amendment seeks to appropriate the money now to continue funding this project. Supervisors Wilcox and Wilson both expressed satisfaction with results from this agreement so far and advocated for on-going accountability guidelines.

Amendment #2: Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (5-0) to amend the motion regarding adoption of the budget to include the transfer of \$5,000,000 from FY 2007-08 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) and the expenditure of \$1,000,000 for ongoing annual support of IGC. Approval is contingent upon the Maricopa County Board of Supervisors approval of the new funding agreement with the IGC.

Motion subsequently carried unanimously (5-0) to approve the FY2007-2008 Maricopa County Budget as amended by the two actions detailed above.

UPDATE & STATUS OF MARICOPA HOME CONSORTIUM AND RELATED REQUIREMENTS

Item: Update to the Board of Supervisors on the status of the Maricopa HOME Consortium, and the requirements for and benefits of renewing the Maricopa HOME Consortium Intergovernmental Agreement (IGA) for the period of July 1, 2009 through June 30, 2012. (C1707080200) (ADM1500)

Renee Ayres-Benavidez, Community Development Director
Members of the Community Development Advisory Committee

Renee Ayres-Benavidez introduced various members of the Community Advisory Committee. Ms. Ayres-Benavidez asked to combine this item with the following item for presentation purposes because they are related and the Chairman agreed. Ms. Ayres-Benavidez stated that her purpose before the Board was to

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ask permission to renegotiate the Maricopa HOME Consortium Intergovernmental Agreement (IGA) and three-year cooperative agreement. These documents are required by U.S. Department of Housing and Urban Development (HUD) for eligibility for the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program (HOME) funds.

Ms. Ayres-Benavidez stated that over the last 30 years, Maricopa Consortium service area has received over \$100,000,000 in CDBG funds, and another \$65,000,000 over the last 16 years in HOME funds for housing projects. To date, the County has not had to invest any General Fund dollars into the administration of these grants. Ms. Ayres-Benavidez reported that they anticipated receiving over \$6,000,000 in CDBG funds and over \$16,000,000 in HOME funds over the next three years. However, due to changes in the grants, Ms. Ayres-Benavidez said that it was likely that assistance from the General Fund would be needed to support these grants, anywhere from \$40,000 to \$450,000.

In response to a question regarding the use of the funds, Ms. Ayres-Benavidez replied that it was specifically for administration of grant funds. Ms. Benavidez explained that General Funds dollars may be needed because in addition to a 10 percent overall reduction in the grant, Avondale and Surprise became entitlement communities which has reduced funding but has not reduced the administrative requirements. Two other cities, Buckeye and Goodyear, may be re-classified as entitlement communities during the life of this IGA, further reducing grant monies. Ms. Ayres-Benavidez clarified that if a successful IGA is negotiated, none of the parties can become entitlement communities during the life of the agreement.

Supervisor Kunasek asked whether having other municipalities join the consortium would increase the amount of grant funding. Ms. Benavidez said that it could, but grants are allocated on a formula basis that involves the number of low income residents of a community, among other things, so there was no guarantee.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (5-0) to authorize Community Development to negotiate the renewal of the Maricopa HOME Consortium Intergovernmental Agreement for the purpose of receiving HOME funds from the U. S. Department of Housing and Urban Development (HUD) for the period of July 1, 2009 through June 30, 2012. (C1707094200)

UPDATE ON THE URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

Item: Update to the Board of Supervisors on the status of the Urban County Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME), and the requirements for and benefits of renewing the Urban County Three-Year Cooperative Agreement for the period of July 1, 2009 through June 30, 2012. (C1707092200) (ADM1500)

Renee Ayres-Benavidez, Community Development Director
Members of the Community Development Advisory Committee

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (5-0) to authorize Community Development to negotiate an Urban County Three-Year Cooperative Agreement with all units of local government within Maricopa County wishing to participate in the Maricopa Urban County Community Development Block Grant (CDBG) and HOME Investment Partnerships Program for the period from July 1, 2009 through June 30, 2012. (C1707093200)

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AMENDMENT TO MAG'S REGIONAL TRANSPORTATION PLAN

Item: Update regarding the proposed amendments to the Maricopa Association of Government's (MAG) Regional Transportation Plan (RTP). The Maricopa County's Transportation Advisory Board endorses this amendment and recommends that the Board of Supervisors support this amendment to the MAG RTP. (C6407265000) (ADM2053)

Clem Ligocki, Intergovernmental Branch Manager, MCDOT

Clem Ligocki clarified that this was before the Board because the Arizona Department of Transportation requested this amendment to Maricopa Association of Government's (MAG) Regional Transportation Plan (RTP). Mr. Ligocki said that this meets the statutory definition of a major amendment to the RTP, which requires written comment from the Board of Supervisors.

Supervisor Stapley commented that after looking at the maps, he is support of this amendment because the original plan didn't make sense in the first place.

Pursuant to A.R.S. §28-6353, motion was made by Supervisor Stapley, seconded by Supervisor Wilson and unanimously carried (5-0) to authorize the submission of written comments approving the Amendment to the Maricopa Association of Governments (MAG) Regional Transportation Plan (RTP) to transfer funding for SR 153 to the new alternative, SR 143.

REWARDING IDEAS PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$7,141 and the presentation of awards on June 20, 2007. The Rewarding Ideas Merit Award Board met on May 16, 2007, and approved and recommended the employee awards. (C2007096900) (ADM3333-002)

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek and unanimously carried (5-0) regarding action on the following vouchers:

Ratify Voucher #6038 \$60,306.86

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Ratify Voucher #6039	\$23,830.51
Ratify Voucher #6040	\$86,392.45
Ratify Voucher #6041	\$136,282.97
Ratify Voucher #263	\$363.93

No staff reports on regional schools operations and finances were presented at this meeting. (ADM3814-005)

EXECUTIVE SESSION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recess and reconvene in Executive Session in the Tom Sullivan Conference Room to consider items listed on the Executive Agenda, pursuant to listed statutory authority, as follows.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

Compromise Cases – Barbara Caldwell, Outside Counsel
Gonzales, Francisca Cooper, Sarah

including Bond Forfeiture Judgments in the following cases:

Aranda, Ramiro R.	McBean, John M.
Gurrola, Flavio	Olivas, Angel D.
Hai, Khalil M.	Rodriguez, Freddy R.
Hernandez, Edward L.	Tyler, Truman M.
Ionescu, Nick	Verheyen, Matthew J.
Johnson, Troy James	Webster, James K.
Ketterling, Jonathan	Wiggins, Airon Chas.
Martinez, Vicente	

Write-Off Cases – Barbara Caldwell, Outside Counsel
Garza, David

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION– ARS §38-431.03(A)(3) and (A)(4)

Arbitron Contract Matter

Wes Baysinger, Director Materials Management
Walt Weglarz, Assistant Director, Materials Management, **did not attend**
Otis Smith, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §§38-431.03(A)(3) AND (A)(4)**

Holliday v. Maricopa County, et al. No CV2006-017678 (Superior Court)

Peter Crowley, Risk Manager
David Hendershott, Chief, Sheriff's Office, **did not attend**
Lisa Wahlin, Outside Counsel
John MacIntyre, Sheriff's Office

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LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)

AHCCCS Financial Issues

Sandi Wilson, Deputy County Manager
Shawn Nau, Director, General Government
Diane Golat, Program Manager
Christopher Keller, Deputy County Attorney
Martin Demos, Deputy County Attorney, **did not attend**
Paul Giancola, Outside Counsel, **did not attend**
Mike Schaiberger, Total Compensation

LEGAL ADVICE; ARS §38-431.03(A)(3)

Legal advice regarding Prop 100 and use of defense counsel at IA hearings.

Sandi Wilson, Deputy County Manager
Peter Ozanne, Assistant County Manager
Tim Casey, Outside Counsel
Dean Wolcott, Outside Counsel to the Board
Lisa Keegan, Information Specialist
Diane Sikokis, Director of Government Relations
Rick Bohan, Government Relations
Chiefs of Staff Latto, Candland, Bloom, Isham

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §§38-431.03(A)(3) AND (A)(4)

Jerrie Ortiz and Martin Dyer v. Maricopa County and Maricopa County Department of Transportation; CV2006-004412

Christopher Keller, Deputy County Attorney
Peter Crowley, Risk Manager
Ted Howard, Claims Manager, **did not attend**
Artie Eaves, Outside Counsel

LEGAL ADVICE; ARS §38-431.03(A)(3)

Risk Management Claim; Numbers, APD6432031065/APD6432031064

Ted Howard, Claims Manager, **did not attend**
Peter Crowley, Risk Manager
John W. Paulsen, Deputy County Attorney

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**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)**

American Home Assurance Co. V. Maricopa County; CV2005-015018

Heidi Birch, Principal, Capital Facilities Management, **did not attend**
Steve Conner, Facilities Management
John W. Paulsen, Deputy County Attorney
Steve Anthony, Outside Counsel, **did not attend**
Dave Tierney, Outside Counsel

Arizona Rock Products Association v. Maricopa County, et al., CV2005-015595

Joy Rich, Assistant County Manager
Bob Kard, Director, Air Quality
Dan Brenden, Deputy County Attorney, **did not attend**

LEGAL ADVICE; ARS §38-431.03(A)(3)

Maricopa County Environmental Services and Air Quality overcharge to Maricopa Association of Governments and the Arizona Department of Environmental Quality

Joy Rich, Assistant County Manager
Mary Cronin, Deputy County Attorney

**LEGAL ADVICE; PURCHASE, SALE OR LEASE OF REAL PROPERTY – ARS §38-431.03(A)(3) and
ARS §38-431.03(A)(7)**

Black Mountain Property

William Scalzo, Assistant County Manager, **did not attend**
Dennis Lindsey, Manager, Real Estate
William Riske, Deputy County Attorney, **did not attend**
Kevin Costello, Deputy County Attorney

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION; PURCHASE, SALE OR LEASE OF
REAL PROPERTY – ARS §§38-431.03(A)(3), 38-431.03(A)(4) and 38-431.03(A)(7)**

Gilbert Landfill

Bill Thornton, Director, Solid Waste
Dennis Lindsey, Manager, Real Estate
Kevin Costello, Deputy County Attorney

Bell Butte Property

Tom Manos, Chief Financial Officer
Dennis Lindsey, Manager, Real Estate
William Riske, Deputy County Attorney, **did not attend**

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MEETING ADJOURNED

At the conclusion of discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Fran McCarroll, Clerk of the Board